

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DIANE SENA,

Plaintiff

V.

COMMISSIONER OF SOCIAL SECURITY,

Defendant

Case No.: 2:16-cv-00896-APG-GWF

**Order Accepting Report and
Recommendation, Granting Plaintiff's
Motion to Remand, and Denying
Defendant's Motion to Affirm**

[ECF Nos. 22, 23, 26]

On October 31, 2018, Magistrate Judge Foley recommended that I grant plaintiff Diane Sena’s motion to remand, deny the defendant’s motion to affirm, and remand this matter to the Social Security Administration with directions to calculate and pay disability benefits to Sena. ECF No. 26. Defendant Commissioner of Social Security did not file an objection. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to “make a de novo determination of those portions of the report or specified proposed findings to which objection is made”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (“the district judge must review the magistrate judge’s findings and recommendations de novo *if objection is made*, but not otherwise” (emphasis in original)).

IT IS THEREFORE ORDERED that Magistrate Judge Foley's report and recommendation (**ECF No. 26**) is **accepted**. Plaintiff Diane Sena's motion to remand (**ECF No. 22**) is **GRANTED**, and defendant's motion to affirm (**ECF No. 23**) is **DENIED**.

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1 IT IS FURTHER ORDERED that this matter is REMANDED to the Social Security
2 Administration with directions to calculate and pay disability benefits to plaintiff Diane Sena.
3 The clerk of court is instructed to close this case.

4 DATED this 19th day of November, 2018.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE